IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

Bail Appl..No. 2238 of 2007()

(CRIME NO.63/2006 OF PEROORKADA POLICE STATION)
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PETITIONERS/ACCUSED 4 & 5:
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1. VINOD @ KUTTAN, S/o. SASI,
   VAYALARIKATHU THODIYIL VEEDU,
   MOSKO LANE, KESAVADASAPURAM,
   TRIVANDRUM.

2. RENJITH LAL, S/o. JAYAN,
   VAYALARIKATHU KRISHNA MANDIRAM,
   MOSKO LANE, KESAVADASAPURAM,
   TRIVANDRUM.

   BY ADV. SRI.NAGARAJ NARAYANAN
   SRI.A.S.SABU
   SRI.SAIJO HASSAN

RESPONDENT:

STATE OF KERALA,
REPRESENTED BY PUBILC PROSECUTOR OF
KERALA HIGH COURT.

BY PUBLIC PROSECUTOR SRI. K.S. SIVAKUMAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2238 OF 2007

Dated this the 13th day of April, 2007

O R D E R

Petitioners, who are accused Nos.4 and 5 in Crime No.63/06 of Peroorkada Police Station for offences punishable under sections 143, 147, 148, 452, 323, 325, 427, 447 and 308 read with section 149 IPC, seek anticipatory bail.

2. Consequent on the non-appearance of the petitioners in C.P.No.184/06 before JFCM-II, Thiruvananthapuram, non-bailable warrants of arrest are pending against the petitioners. The contention of the petitioners that they did not receive any summons from the Magistrate will have to be considered by the Magistrate himself.

3. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioners should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioners surrender before the Magistrate concerned and file an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date

on which it is filed, after examining the explanation offered by the petitioners for their previous non-appearance. Until such disposal, non-bailable warrants, if any, pending against the petitioners shall not be executed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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